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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,920

08/28/2006

Andreas Basteck

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7590

07/28/2010

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EXAMINER

ESTREMSKY, SHERRY LYNN

ART UNIT

PAPER NUMBER

3655

MAIL DATE

DELIVERY MODE

07/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,920	Applicant(s) BASTECK, ANDREAS	
	Examiner Sherry L. Estremsky	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The receipt of the Amendment After Final dated July 12, 2010 of the application 10/550,920, including amendments claims, is acknowledged.

This is the fourth Office Action on the merits of Application No. 10/550,920, filed on 28 August 2006. Claims 11-20 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:

Information Disclosure Statement, received on 09/28/05

Copy of Foreign Priority Document, received on 09/28/06

Declaration and Power of Attorney, received on 08/28/06

Terminal Disclaimer, received on 03/02/09

Translation of Foreign Priority Documents, received on 07/12/10

Response to Amendment

3. The Applicant remarked that TRILOK is not a trademark, stated what the term TRILOK is known to describe, and submitted that TRILOK is properly set forth in claim 11. As explained below, this is only partially persuasive.

The finality of the previous rejection is withdrawn, and the amendment filed July 12, 2010 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 13 and 14, it is not clear what is encompassed by the term "hydrodynamic Föttinger converter". With a search of just patents, it is found that Dr. Hermann Föttinger patented many hydrodynamic converter and coupling inventions. Additionally, "Föttinger converter" has been found to be used to refer to different structures. For example, U. S. Patent 3,934,414 discusses the shape and action of the guide wheel of a Föttinger converter (column 3, line 66+), while U. S. Patent Application Publication 2009/0286641 (List) describes a "Föttinger converter with a driven pump wheel and a driving turbine wheel, without a guide wheel" (para. [0012], the last two lines). While a converter without a guide wheel is generally understood to be a hydrodynamic coupling, List used the presence or absence of a guide wheel to distinguish between a "Trilok converter" and a "Föttinger converter". If "Föttinger converter" is being used to refer to a type of hydrodynamic coupling, it is not clear what the difference is between a Föttinger converter and a hydrodynamic coupling as claimed. Searches of the internet and books found numerous references to Dr. Föttinger being the inventor of the hydrodynamic torque converter, but no where was there found guidance as to what qualities would make a torque converter a "Föttinger converter". Since "hydrodynamic Föttinger converter" is not defined in the prior art nor in the current application, the scope of that limitation is not clear.

In claim 11, lines 13 and 14, it is also not clear what is encompassed by the term "TRILOK converter". The Applicant stated in the response filed July 12, 2010 that Trilok is not

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a trademark. A search of the Trademark Electronic Search System reveals that TRILOK is a registered trademark, registration number 3345150, with the goods and services associated with the mark being "telescoping non-metal deployable boom structures..." Use of a trademark word to identify a product that is (presumably) not from the manufacturer or merchant who owns the trademark risks adversely affecting the validity of the trademark.

Similarly to "hydrodynamic Föttinger converter", it is not clear what is encompassed by "TRILOK converter". As discussed above, List describes a Trilok converter as a torque converter with a guide wheel. If the hydrodynamic Föttinger converter is taken to be a torque converter rather than a hydrodynamic coupling, which is separately accounted for in the claim, then it would also have a guide wheel, making the distinction between a Trilok converter and a Föttinger converter uncertain. Adding to the confusion, U. S. Patent 3,507,168 even refers to a "Föttinger-Trilok converter" (column 1, lines 26-27). Another description of the structure of the Trilok converter was found on the internet in "The identification of the Volkswagen Bora 1.6 l. petrol engine, used in the EcoDrive project" which identifies a Trilok Converter as being a torque converter in which the reactor (guide wheel) is coupled to the housing by a freewheel, saying "This type of single-stage two-phase torque converter is called a Trilok converter and is named after the TRILOK research consortium that developed it." (pages 21-22 (labeled 15 and 16), attached; <http://alexandria.tue.nl/repository/books/615459.pdf>). If this is correct, then the word Trilok would have essentially the same product identifying problems that a trademark has, in that the word Trilok identifies a source of a product design rather than a particular design. The research consortium may have developed other torque converters, such as, perhaps, the symmetrical design described by the Applicant, that could also be called Trilok converters. Since it cannot be determined what makes a converter a "Trilok" converter, the scope of that limitation is not clear.

Response to Remarks

The applicant gives a explanation of what the term Trilok describes. Since it cannot be determined that the given explanation is universal, or even common in the art, then the

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explanation would have to be considered the Applicant's definition of the term. This definition does not appear to be part of the original disclosure.

The now perfected foreign priority claim overcomes the prior art rejections.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry L. Estremsky whose telephone number is (571) 272-7090. The examiner can normally be reached on Monday and Thursday from 7:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Le can be reached on (571) 272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sherry L Estremsky/

Primary Examiner, Art Unit 3655

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